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Sep 10 2024CLERK U.S. DISTRICT COURT
DISTRICT OF ARIZONA

1 Mustafa Shayan 293399
 2 ASPL Eymann Meadows Unit
 3 P.O. Box 3500
 4 Florence, AZ 85132
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6 UNITED STATES DISTRICT COURT
 7 DISTRICT OF ARIZONA
 8

9 Mustafa Shayan
 10 Plaintiff,

11 vs.

12 Sandra Williams, et al.,
 13 Defendants.

Case No. 22-CV-00115-TUC-RM
 RESPONSE TO DEFENDANT
 GALAVIZ'S ANSWER TO
 COUNTS TWO AND THREE

14 Comes Now, Plaintiff, Mustafa Shayan, is hereby GIVEN
 15 his response to Defendant Galaviz's answer to count Two and
 16 Three [Doc. 36].

17 Defendant Galaviz's answer is more or less a non-resp-
 18 onse to the Plaintiff's Sixth Amended Complaint (SAC) consisting
 19 of denials, claims of poor memory and ignorance of events in
 20 which Defendant willingly and knowingly was a participant.

21 The Defendant asserts the following:

- 22 1. Defendant Galaviz denies that any violation of the
 23 Plaintiff's constitutional 1st Amendment right to pr-
 24 actice his religion occurred. At the same time the
 25 Defendant claims "...insufficient information" to
 26 know truth from falsity relating to these matters.

2. Defendant also claims to not know the identities of his co-workers as well as their actions. Defendant worked with some of the very same team members for years.

3. Defendant Galaviz asserts that Plaintiff is without grounds to bring an action under 42 U.S.C. § 1983 (Doc. 36) yet other than blanket denials and claims of inability to recall facts of events that Defendant participated in, offers no valid reasoning as to why this action should not proceed forward.

4. The defense asserts that Defendant's disruption of the Plaintiff's lawful practice of his faith, it is rituals (prayer) and requirements to study the Quran present no undue burden or incumbrance on the Plaintiff. Nor does the Defendant offers reason why his disruption and interference supports any need or function of the institution. Defendant makes no claim of acting on the orders of superiors when he seized the Quran. Defendant never denies seizing the Plaintiff's Quran.

5. Defendant on lines 24-26 of page 2 of document 36, and page 3 of the same document agrees that Plaintiff filed a grievance complaint challenging Defendant Galaviz's seizure of his Quran. Defendant Galaviz then asserts that the grievance, filed on January 23, 2022 was closed on January 4, 2022,

1 19 days before it was filed, He goes on to claim not
 2 know what is truth or falsity and denies everything,
 3 but involvement of seizure of said Quran. The
 4 defense is being less than open and honest with
 5 this Court.

6 6. Defendant Galaviz denies involvement based on a
 7 claim of knowing nothing about counts Two and Th-
 8 ree, thus Plaintiff asserts that the evidence(s) and
 9 witnesses are available to show it is otherwise.

10 ARGUMENT

11 Defendant's response in no way seeks to bring clarity or res-
 12 olution to this matter. The defense rely on denial, claims of ignorance
 13 and mental inability, rather than bring light to this case, he choos-
 14 es muddy the water. No new information was brought to this mat-
 15 ter by the Defendant's response. At no points does the defense refer
 16 the court to any evidence to convince the court that the Plai-
 17 tiff's claims are lacking merit. The Defendant's entire response
 18 can be summed up by these few words; I don't know, I don't re-
 19 member and thus I didn't do it.

20 Defendant accepted and compensated for a job that bears
 21 great societal responsibility. He took action in the execution of
 22 that job yet somehow when called to account for his personal
 23 choices and deeds, he relies on I don't know, I don't rememb-
 24 er and thus I didn't do it. Defendant in his personal and official
 25 capacity as a detention officer is responsible for the safety and
 26 well being of his charges, his fellow officers and the facility.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court deny Defendant Galaviz's plea. Plaintiff reminds the Court that the Defendant merely denied and claimed not to know of events described by the Plaintiff in his Sixth Amended Complaint. Based on Defendant's insincere response to this matter, Plaintiff humbly asks that the Court award injunctive, punitive and prejudicial reliefs along with any other relief this Court finds just and equitable.

DATED September 8, 2024

By: Mustafa Shayan
Mustafa Shayan

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2024, I submitted the attached document to the Clerk's office using the CM/EMF system for filing and trasmital of a notice of Electronic Filing and a copy of the foregoing has been mailed on this date to the following:

Laura Conover

Tyler Campman

Rebecca K. O'Brien

32 North Stone Avenue, Suite 2100

TULSON, Arizona 85701

By: Mustafa Shayan

Mustafa Shayan